

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

WILLIAM HARRISON ALSTON,
Plaintiff

v.

DEBRA FORSYTH, et al.,
Respondents.

C.A. No. 05-168 Erie

ORDER

This civil rights action was filed on May 27, 2005, by Plaintiff William Harrison Alston, an inmate at the Federal Correctional Institution at Petersburg, Virginia. Plaintiff filed the Complaint in this matter, along with a motion to proceed *in forma pauperis* [Document # 1]. On June 3, 2005, this Court issued a Report and Recommendation recommending that Plaintiff's motion to proceed *in forma pauperis* be denied. [Document # 2]. This Report and Recommendation was adopted by District Judge Sean J. McLaughlin, by Order dated June 29, 2005. [Document # 4]. Judge McLaughlin's Order further ordered Plaintiff to pay the filing fee on or before July 15, 2005, or the case would be dismissed for failure to prosecute. [*Id.*]. Plaintiff subsequently failed to comply with this Order and, as a result, this case was ultimately dismissed by Judge McLaughlin, by Order dated August 15, 2005. [Document # 6].

On December 14, 2006, Plaintiff filed a motion to reopen this case [Document # 20], which was granted by Judge McLaughlin, by Order dated March 20, 2007. [Document # 22]. This case has now been reopened; however, the Complaint has not yet been filed, because Plaintiff has neither paid the filing fee nor been granted *in forma pauperis* status.

Therefore, this 23rd day of March, 2007;

IT IS HEREBY ORDERED that Plaintiff either pay the filing fee of \$350.00 to the Clerk of Courts, or file a motion to proceed *in forma pauperis* with an accompanying institutional account statement, on or before April 6, 2007. Failure to comply with this Order on or before April 6, 2007, will result in dismissal of this case for failure to prosecute.

IT IS FURTHER ORDERED that the parties are allowed ten (10) days from this date to appeal this order to a district judge pursuant to Local Rule 72.1.3 B. Failure to appeal within ten (10) days may constitute waiver of the right to appeal.

S/Susan Paradise Baxter
SUSAN PARADISE BAXTER
Chief U.S. Magistrate Judge